



IT IS ORDERED as set forth below:

Date: April 5, 2023

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

JAMES EDWARD MCCONNELL,

Debtor.

CASE NO. 19-67128-PWB

CHAPTER 13

ORDER ON REMAND

After conversion of this case from chapter 7 to chapter 13, Neil C. Gordon, the chapter 7 trustee, and his law firm, Arnall Golden Gregory LLP (“AGG”), filed an application for compensation for services as chapter 7 trustee and as attorneys for the trustee and reimbursement expenses in the amount of \$15,000, \$14,789.20 for services and \$ 210.80 for expenses (the “Application”), [Bankr. Doc. No. 56], and a proof of

claim in that amount as a priority administrative expense claim for \$ 15,000. [Claim No. 13].

After notice and a hearing, the Court entered an order allowing compensation to Mr. Gordon as chapter 7 trustee in the amount of \$ 406.00, reimbursement of trustee expenses of 30 cents, and reimbursement of AGG's expenses of \$ 210.50, a total of \$ 616.80. [Bankr. Doc. No. 88]. *In re McConnell*, 2021 WL 203331 (Bankr. N.D. Ga. Jan. 4, 2021). The Court denied AGG's application for attorney's fees in its entirety.

On appeal, the District Court affirmed in part, reversed in part, and remanded for this Court to determine how much should be allowed as compensation to AGG for certain types of services that the District Court determined were compensable legal services. *Gordon v. McConnell (In re McConnell)*, 1:21-cv-00304-AT, Dist. Ct. Doc. No. 18, 641 B.R. 261 (N.D. Ga. March 11, 2022) [Bankr. Doc. No. 106], *rehearing denied*, Dist. Ct. Doc. No. 21 (July 12, 2022) [Bankr. Doc. No. 107].

The Court scheduled a hearing for November 2, 2022, to consider the issues on remand. [Bankr. Doc. No. 108]. After the Court issued the notice of hearing, Mr. Gordon, on behalf of AGG, filed a withdrawal of the portion of the Application for fees and expenses of AGG and of AGG's claim for allowance of its claim for administrative expenses in Proof of Claim No. 13. [Bankr. Doc. No. 110].

The District Court affirmed the Court's allowance of compensation to Mr. Gordon for services as chapter 7 trustee and reimbursement of his expenses as trustee in the total amount of \$ 406.30. AGG has withdrawn its request for compensation and expenses, rendering moot the issues that the District Court remanded to this Court.

Mr. Gordon, therefore, is entitled to allowance of compensation for his services as the chapter 7 trustee and reimbursement of expenses in the amount of \$ 406.30. The portion of the Application for attorney's fees and reimbursement of expenses by AGG as counsel for the trustee having been withdrawn, the Court will dismiss that portion of the Application and will disallow its claim for an administrative expense.

Based on, and in accordance with, the foregoing, it is hereby **ORDERED and ADJUDGED** as follows:

1. The portion of the Application for allowance of fees and expenses of AGG is dismissed, as withdrawn.

2. The portion of the Application for allowance of fees and expenses of Neil C. Gordon is allowed to the extent of \$406.30 and otherwise disallowed.

3. Proof of Claim No. 13 is allowed as a priority administrative expense pursuant to 11 U.S.C. § 503(b) and 11 U.S.C. § 507(a)(2) in the amount of \$406.30 in favor of Neil C. Gordon. Proof of Claim No. 13 is otherwise disallowed.

4. The Chapter 13 Trustee is authorized to make disbursements on Proof of Claim No. 13 to Neil C. Gordon in accordance with the Chapter plan in this case to the extent that it is allowed herein.

END OF ORDER

Distribution List

Karen King
King & King Law LLC
215 Pryor Street, S.W.
Atlanta, GA 30303

James Edward McConnell
1369 High Point Ave SW
Atlanta, GA 30315

Neil C. Gordon
Taylor English Duma, LLP
1600 Parkwood Circle Suite 200
Atlanta, GA 30339

William Dale Matthews
Jones & Walden LLC
699 Piedmont Avenue NE
Atlanta, GA 30308

Brandi L. Kirkland
Attorney for Chapter 13 Trustee
285 Peachtree Center Ave., Ste. 1600
Atlanta, GA 30303

Lindsay P. S. Kolba
Office of the U.S. Trustee
Suite 362
75 Ted Turner Drive, S.W.
Atlanta, GA 30303